



PLANNING DIRECTOR'S HEARING AGENDA

WEDNESDAY, August 9, 2006

9:00 a.m.
City Council Chambers
City Hall

200 East Santa Clara Street
San Jose, California 95113-1905

Hearing Officers

Susan Walton, Principal Planner

Mike Enderby, Acting Principal Planner

**Joseph Horwedel, Acting Director
Planning, Building, and Code Enforcement**

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE), 294-9337 (TTY) at least two days, (48 hours) before the meeting. If you requested such an accommodation and have not already identified yourself to the technician seated at the staff table, please do so now. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good morning, this is the Planning Director's Hearing of **August 9, 2006**. My name is _____ and I am the Hearing Officer for today's agenda. On behalf of the Planning Director, I would like to welcome you to this Public Hearing. Please remember to turn off all cell phones and pagers. A copy of the agenda is available on the table by the door for your convenience. A validation machine is available up the stairs at the rear of these chambers for parking tickets for the garage underneath City Hall.

The procedure for this hearing is as follows:

- Hearing Officer will identify the project as described on the agenda
- Staff report
- After the staff report, applicant and/or representative will have up to 5 minutes to speak and should make themselves known as their item comes up by approaching the microphone and identifying themselves and stating their home address, or just wave from the audience if you do not wish to speak
- Public testimony of up to 2 minutes, either for or against the project. Please state name and home address for the record
- After the public testimony, the applicant may make closing remarks of up to 5 minutes
- The Hearing Officer may ask questions of the speaker
- The public hearing will then be closed and the Hearing Officer will take action on the item. The Hearing Officer may request staff to respond to the public testimony, ask staff questions, and discuss the item

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Director's action on these agenda items is final when the permit is signed and mailed, unless the permit is appealed. The Planning Director's actions are appealable in accordance with the requirements of Title 20 of the Municipal Zoning Code.

Note: If you have any agenda changes, please contact Gina Robles (gina.robles@sanjoseca.gov).

AGENDA

ORDER OF BUSINESS

1. DEFERRALS

Any item scheduled for hearing this morning for which deferral is being requested will be taken out of order, to be heard first on the matter of deferral. A list of staff recommended deferrals is available on the table. I will identify the items to be deferred and then ask for comments from the audience. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time. I will now open the public hearing. The following items are proposed to be deferred.

- a. **TR06-090. Tree Removal Permit** request to legalize the removal of an already removed Pine tree, 90 inches in circumference, and to provide for required tree replacement, on a 0.15 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 1457 Hester Avenue (Larson Dale G And Kennedy Deborah J, Owner). Council District 6. CEQA: Exempt. **Defer to 8/23/06.**

The matter of deferrals is now closed.

2. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by the Director of Planning, staff, or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.

- a. **TR06-094. Tree Removal Permit** to remove five (5) pine trees 75 to 124 inches in circumference from the front yard of a single-family residence in the R-1-8 Single-Family Residence Zoning District, located at 6857 Castlerock Drive (Kohli Rita Trustee, Owner). Council District 10. CEQA: Exempt.
- b. **TR06-083. Tree removal permit** to remove two Stone Pine trees (60" and 73" in circumference) on a 0.18 gross acre site. in the R-1-8 Single-Family Residence Zoning District, located at 2949 Faircliff Court (Rolando Luis C And Sharice G, Owner). Council District 9. CEQA: Exempt.
- c. **SP06-049. Special Use Permit** to allow a 3-day church sponsored special event (festival/carnival, running from September 15 through 17, 2006) on a 8.9 gross acre site in the R-1-1 Single-Family Residence Zoning District, located on the east side of Pearl Avenue approximately 140 feet north of Koreza Drive (4848 PEARL AV) (Roman Catholic Bishop Of San Jose, Owner). Council District: 9. SNI: None. CEQA: Exempt.

- d. **TR06-082. Tree Removal Permit** for an unauthorized removal (without the benefit of a permit) of a live Cedar Tree tree 56 inches in circumference on a 0.16 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 1770 Hallmark Lane (Springer Tom And Paulette Trustee, Owner). Council District: 9. CEQA: Exempt.
- e. **TR06-093. Tree Removal Permit** to allow the removal of one (1) Pepper Tree 90 inches in circumference on a 0.13 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 5302 Southbridge Place (Weidman Samuel H Jr And Lucille A, Owner). Council District: 9. CEQA: Exempt.
- f. **TR06-091. Tree Removal Permit** to allow the removal of one (1) Pine tree 90 inches in circumference on a 0.13 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 802 Seabury Drive (Knudsen Norman L And Evaughn B Trustee, Owner). Council District: 9. CEQA: Exempt.
- g. **PDA02-014-06. Planned Development Permit Amendment** to allow retaining walls varying in height between 3 and 5 feet in the rear yard of an existing single-family residence on a 0.4 gross acre site in the A(PD) Planned Development Zoning District, located on the northeast corner of Shady Meadows Place and Saddle Park Avenue (4818 Shady Meadows Place) (Syed and Karen Ali, Owners). Council District 8. SNI: None. CEQA: Exempt.
- h. **TR06-102. Remove one Deodora Cedar**, approximately 94 inches in circumference, located in the front setback of a corner lot where a front addition is proposed in the R-1-8 Single-Family Residence Zoning District, located at/on the 5087 Golden Drive (Northwestern corner of the intersection of Golden Drive and Frolic Way) (Giffin Thomas A And Robyn L, Owner). Council District 1. CEQA: Exempt
- i. **TR06-103. Tree Removal Permit** to allow removal of one Redwood tree, approximately 105 inches in circumference, on a 0.13 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at/on the 699 San Fernando Street (699 E SAN FERNANDO ST) (Hernandez Javier And Murguia Giovana B, Owner). Council District 3. CEQA: Exempt.
- j. **TR06-078. Tree Removal Permit** to remove two palm trees from the front yard of an existing single-family residence on a 0.23 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at/on the 1172 Culligan Boulevard (1172 CULLIGAN BL) (Mercado Raymond And Nancy E Trustee, Owner). Council District 10. CEQA: EXEMPT.
- k. **TR06-096. Tree Removal Permit** request to legalize the removal of an already removed Rubber tree, 80 inches in circumference, and to provide for required tree replacement, on a 0.14 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 869 Pershing Avenue (Garcia Bert Trustee, Owner). Council District 6. CEQA: Exempt.
- l. **TR06-069. Tree Removal Permit** request to legalize the removal of an already removed Walnut tree, at least 56 inches in circumference, and to provide for required tree replacement, on a 0.12 gross acre site in the R-1-8 Single-Family Residence

Zoning District, located at 1267 Fremont Street (Carrillo Miguel And Carmen, Carrillo Miguel And Carmen Et Al, Carlson Lara, Carrillo Miguel And Carmen Et Al, Owner). Council District 6. CEQA: Exempt.

- m. **TR06-086. Tree Removal Permit** request to allow removal of one Fig tree, approximately 70 inches in circumference, on a 0.13 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 1455 Hanchett Avenue (Tragni Nick And Vera Trustee, Owner). Council District 6. CEQA: Exempt.
- n. **TR06-100. Tree Removal Permit** request to legalize the removal of an already removed Magnolia tree, 79 inches in circumference and to determine the required tree replacement, on a 0.18 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 1026 South Genevieve Lane (1026 S GENEVIEVE LN) (Smith Frank A And Patricia A, Owner). Council District 6. CEQA: Exempt.

The consent calendar is now closed.

3. PUBLIC HEARING

- a. **TR06-070. Tree Removal Permit** to allow the removal of one Photocarpus tree, approximately 58 inches in circumference and one Jacaranda tree, approximately 77 inches in circumference, on a 1.53 gross acre site in the A(PD) Planned Development Zoning District, located on the southwest corner of Shasta Avenue and The Alameda (1100 Shasta Avenue) (Westminster Presbyterian Church, Owner). Council District 6. CEQA: Exempt.
Continued from 7/26/06.
- b. The projects being considered are located on west side of Oakland Road, approximately 550 feet north of Rock Avenue (2135 OAKLAND RD), in the A(PD) Planned Development Zoning District (DOLLINGER ROCK ASSOCIATES ANDREA RUDOLF, Owner). Council District 4. SNI: None. CEQA: Mitigated Negative Declaration. **Deferred from 7/19/06.**
 - 1. **PD05-089. Planned Development Permit** to construct 53 multi-family attached residences on a 2.82 gross acres site.
 - 2. **PT05-110. Planned Development Vesting Tentative Map** to subdivide 1 parcel into 8 lots for 53 single-family attached residential uses on a 2.82 gross acres site.
- c. The projects being considered are located on the southwesterly corner of State and Essex Streets (1391 STATE ST), in the A (PD) Planned Development Zoning District (MARTINA VICTOR J, Owner). Council District: 4. CEQA: Exempt.
 - 1. **PD06-031. Planned Development Permit** to allow the demolition of an existing single-family residence and the construction of three detached residential units on a 0.33 gross acre site.
 - 2. **PT06-033. Planned Development Tentative Map** to subdivide two parcels into three lots for single-family detached residential uses on a 0.33 gross acre site.
- d. **PD05-009. Planned Development Permit** to construct 19 single-family detached residences on a 3.3 gross acre site in the A(PD) Planned Development Zoning District, located easterly of Hervey Lane, approximately 360 feet south

east of Alma Avenue (Pinn Brothers Fine Homes Mike Black, Developer).
Council District 6. SNI: None. CEQA: Mitigated Negative Declaration.
DROPPED.

- e. **SP06-045. Special Use Permit** to replace a shed with a 273 square foot accessory building for storage use, exceeding 200 square feet allowed by right, to an existing single-family residence on a 0.15 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the 1841 Emory Street (north side of Emory Street, approximately 600 feet easterly of Bascom Avenue) (Duvall Kenneth M And Jan F Trustee, Owner). Council District 6. SNI: None. CEQA: Exempt.
- f. **TR06-081. Tree Removal Permit** to remove one Box Elder 105 inches in circumference on a 0.22 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at/on the 2263 Radio Avenue (Duelten James F And Stephanie S, Owner). Council District 6. SNI: None. CEQA: Exempt.
- g. **PD05-016. Planned Development Permit** to allow grading and construction of approximately 299,740 square feet for commercial uses on a 19.59 gross acre site in the A(PD) Planned Development Zoning District, located on the north side of Story Road approximately 720 feet southwesterly of McLaughlin Avenue (915 Story Road) (Hewlett-Packard Co, Owner). Council District 7. SNI: None. CEQA: Mitigated Negative Declaration (PDC04-045).

PLANNING DIRECTOR'S AGENDA ON THE WEB:

<http://www.sanjoseca.gov/planning/hearings/default.asp>

PUBLIC INFORMATION COUNTER

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